

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

EDITH RODRIGUEZ HERNANDEZ; ELOY) CASE NO.: 1:02-cv-06527-LJO-GSA
SUAREZ RODRIGUEZ, by and through his)
Guardian ad Litem, JESUS SUAREZ;) STIPULATION OF DISMISSAL AND
EZEQUIEL SUAREZ-RODRIGUEZ, by and) [PROPOSED] ORDER THEREON
through his Guardian ad Litem, JESUS)
SUAREZ; DIANA SUAREZ RODRIGUEZ,)
by and through his Guardian ad Litem, JESUS)
SUAREZ)
Plaintiff,)
vs.)
NATIONAL RAILROAD PASSENGER)
CORPORATION (“AMTRAK”), et al.,)
Defendant)

)

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff, GUADALUPE CRUZ CALDERON and Defendants NATIONAL RAILROAD PASSENGER CORPORATION (“AMTRAK”); BURLINGTON NORTHERN AND SANTE FE RAILWAY CO.; WALTER WARD and W.M. DIKE (collectively “Rail Defendants”), hereby stipulate as follows:

1. The Suarez Plaintiffs and the Rail Defendants have entered into a mutual release/settlement in which the parties have agreed to compromise, settle and resolve their disputes on the terms and conditions set forth therein. Defendants

1 acknowledge receipt of the fully and properly executed Releases and Plaintiffs
2 acknowledge receipt of the settlement funds on May 26, 2009.

- 3 Plaintiff, Guadalupe Cruz Calderon, the mother of decedent Eloy Suarez, passed
4 away in January of 2005.
5 Accordingly, the Suarez Plaintiffs and the Rail Defendants hereby agree that Ms.
6 Calderon's action should be and is dismissed and discontinued, with prejudice.
7 Each party to bear its own costs, expenses and attorney's fees.

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9 DATED this 23rd day of June, 2009.

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26 **ORDER**

27 With the above stipulation, all plaintiffs have dismissed all claims against defendants. As
such, this Court directs the clerk to close this action.

28 IT IS SO ORDERED.

Dated: June 25, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE